



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,544	02/16/2001	Erich Geiger	Westphal.6080	5200

7590 06/17/2003

Patric J. O'Shea, Esq.
Samuels, Gauthier & Stevens LLP
Suite 3300
225 Franklin Street
Boston, MA 02110

EXAMINER

TRAN, DALENA

ART UNIT

PAPER NUMBER

3661

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,544

Applicant(s)

GEIGER ET AL.

Examiner

Dalena Tran

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant(s)

1. This office action is responsive to the amendment filed on 3/5/03. As per request, claims 23-24 have been amended. Thus, claims 1-24 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2,5-19, and 24, are rejected under 35 U.S.C.103(a) as being unpatentable over Kadaba et al. (6,298,305) in view of Ito et al.(6,128,571).

As per claims 1 and 24, Kadaba et al. disclose a navigation system for use in a motor vehicle, comprising: a data input unit through which a user enters start position data and destination position data and provides received start position data and destination position data, and a data output unit for outputting driving direction to the user (see columns 3, lines 6-46; and column 4, line 6 to column 6, line 37). Kadaba et al. disclose a memory unit, but does not disclose a first and a second memory unit. However, Ito et al. disclose a first memory unit stores a basic navigation database including road map information, and a second memory unit receives and stores received supplemental navigation data (see column 8, line 35 to column 9, line 29; column 11, line 55 to column 14, line 25); a communication unit that receives supplemental navigation data including detailed information of digital road maps, and provides receives supplemental navigation data (see column 9, line 59 to column 10, line 27; and column 15, line

Art Unit: 3661

41 to column 16, line 64); and a navigation computer receives start and destination position data, and computes driving directions between the starting and destination position using information from basic navigation database and received supplemental navigation data (see column 6, line 40 to column 7, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kadaba et al. by combining a first memory unit, a second memory unit, and a navigation computer receives start and destination position data for controlling data transmission for use in route guidance.

As per claim 2, Ito et al. disclose communication unit includes a wireless receiver that receives supplemental data (see column 9, line 59 to column 10, line 27).

As per claim 5, Kadaba et al. disclose data output unit comprises a display for presenting driving directions to the user (see column 3, lines 6-46).

As per claim 6, Kadaba et al. do not disclose graphic data for presentation on display. However, Ito et al. discloses supplemental navigation data comprises graphic data for presentation on display (see column 8, line 57 to column 9, line 29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kadaba et al. by combining supplemental navigation data comprises graphic data for presentation on display for assisting the driver finding the correct route to the destination.

As per claims 7-11, Kadaba et al. disclose memory unit comprises a wide variety of memory such as a compact disk, a digital video disk, a hard disk, and a read-only memory (see column 3, lines 7-46).

As per claims 12-15, Kadaba et al. do not disclose second memory. However, Ito et al. disclose second memory unit comprises a hard disk, a flash-random access memory, a dynamic

Art Unit: 3661

random access memory, and navigation computer, data input unit, data output unit, first, second memory, and communication unit are arranged in a ring communication network (see column 8, line 57 to column 9, line 29; and column 10, line 47 to column 11, line 54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kadaba et al. by combining second memory unit comprises a hard disk, a flash-random access memory, a dynamic random access memory, and navigation computer, data input unit, data output unit, first, second memory, and communication unit are arranged in a ring communication network for storing guidance information as to a destination or target object under search.

As per claims 16-17, Kadaba et al. disclose a position locating unit comprises a GPS receiver (see column 3, lines 6-46).

As per claim 18, Kadaba et al. do not disclose supplemental navigation data. However, Ito et al. disclose received supplemental navigation data comprises data for used by navigation computer to provide routine search and destination directions relating to a starting position, an intermediate destination, and a final destination specified by the user (see column 7, lines 56 to column 8, line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kadaba et al. by combining supplemental navigation data comprises data for used by navigation computer to provide routine search and destination directions relating to a starting position, an intermediate destination, and a final destination specified by the user for assisting a driver to find a route to destination.

Also as per claim 19, Ito et al. disclose communication unit comprises a memory configured to received a data medium that includes supplemental navigation data (see column 11, line 55 to column 14, line 25).

Art Unit: 3661

Claim 23 is method claim corresponding to system claim 1 above. Therefore, it is rejected for the same rationales set forth as above.

4. Claim 3, is rejected under 35 U.S.C.103(a) as being unpatentable over Kadaba et al. (6,298,305), and Ito et al. (6,128,571) as applied to claim 1 above, and further in view of Van Roekel (6,127,969).

As per claim 3, Kadaba et al., and Ito et al. do not disclose GSM receiver. However, Van Roekel discloses wireless receiver includes a GSM receiver (see column 6, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kadaba et al., and Ito et al. by combining wireless receiver includes a GSM receiver to provide simple, and reliable indication of direction information to a driver.

5. Claim 4, is rejected under 35 U.S.C.103(a) as being unpatentable over Kadaba et al. (6,298,305), and Ito et al. (6,128,571) as applied to claim 1 above, and further in view of Brown et al. (6,366,622).

As per claim 4, Kadaba et al., and Ito et al. do not disclose Bluetooth compatible communication. However, Brown et al. disclose wireless receiver receives supplemental navigation data via a Bluetooth compatible communication protocol (see column 3, lines 10 to column 4, line 49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kadaba et al., and Ito by combining wireless receiver receives supplemental navigation data via a Bluetooth compatible communication protocol to reduce an interferer causing problems in the reception of a signal.

6. Claims 20-22, are rejected under 35 U.S.C.103(a) as being unpatentable over Kadaba

Art Unit: 3661

et al. (6,298,305), and Ito et al. (6,128,571) as applied to claim 1 above, and further in view of Hessing (6,334,089).

As per claims 20-22, Kadaba et al., and Ito et al. do not disclose data medium comprises a compact disk, a digital video versatile disk, and an IC memory card. However, Hessing mentions data medium comprises a compact disk, a digital video versatile disk, and an IC memory card (see column 5, line 29 to column 6, line 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Kadaba et al., and Ito et al. by combining data medium comprises a compact disk, a digital video versatile disk, and an IC memory card to store routes to all eventually possible destinations in preparing the route in a timely manner up to the start of travel.

Remarks

7. Applicant's argument filed on 3/5/03 has been fully considered and they are deemed to be persuasive. However, upon updated search, the new ground of rejection has been set forth as above.

Applicant's general argument that the references cited do not teach a first and second memory unit. In the new update search above, Ito et al. ('571) disclose storage section 37, and RAM 5, these are the first and second memory unit as cited in item 3 above. Therefore, the combine of Kadaba et al. ('305) and Ito et al.('571) satisfy the first and second memory unit that store data of the claim invention.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 703-308-8223. The examiner can normally be reached on M-F (7:30 AM-5:30 PM), off every other Friday.

Art Unit: 3661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


TAN Q. NGUYEN
PRIMARY EXAMINER

/dt
June 13, 2003